

REMARKS

The present application was filed on July 31, 2003 with claims 1-30. Claims 1-30 are currently pending in the application. Claims 1 and 28-30 are the independent claims.

Claims 1-30 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2007/0226807 (hereinafter “Ginter”).

In this response, Applicants traverse the §102(e) rejection and amend independent claims 1 and 28-30. Applicants respectfully request reconsideration of the present application in view of the amendments above and the remarks below.

With regard the §102(e) rejection of claims 1-30, Applicants respectfully traverse. Applicants initially note that MPEP §2131 specifies that a given claim is anticipated “only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference,” citing Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, MPEP §2131 further indicates that the cited reference must show the “identical invention . . . in as complete detail as is contained in the . . . claim,” citing Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Independent claim 1 is directed to a method for partitioning of cryptographic functionality so as to permit delegation of at least one of a plurality of distinct portions of the cryptographic functionality from a delegating device to at least one recipient device. The method includes the steps of associating a given set of nodes of a graph characterizing the cryptographic functionality with a corresponding one of the plurality of distinct portions of the cryptographic functionality, and transmitting from the delegating device to the recipient device information representative of one or more of the nodes. The recipient device is configured based on the transmitted information for authorized execution of a corresponding one of the plurality of distinct portions of the cryptographic functionality.

The Examiner argues that the Ginter reference teaches each and every one of the above-noted limitations of claim 1. Applicants respectfully disagree. For example, in formulating the rejection of claim 1, the Examiner relies on paragraphs 73, 74, 92, 110 and 112 of Ginter as allegedly teaching

the above-noted associating and transmitting steps. See the Office Action at page 3, first paragraph. However, these relied-upon portions of Ginter fail to teach or suggest the association of particular nodes of a graph with one of a number of distinct portions of partitioned cryptographic functionality, and further fail to teach or suggest the transmission of information representative of one or more of such nodes from a delegating device to a recipient device so as to configure the recipient device for authorized execution of a portion of the partitioned cryptographic functionality. To the contrary, these portions of Ginter primarily discuss in very general terms various aspects of a virtual distribution environment or VDE. The particular recitations at issue are clearly not met by these general teachings from Ginter.

Accordingly, it is believed that Ginter fails to meet the limitations of independent claim 1 as previously presented.

Dependent claims 2-27 are believed allowable for the reasons outlined above with regard to claim 1, and are also believed to define separately patentable subject matter relative to Ginter.

Independent claims 28-30 are believed allowable for reasons similar to those outlined above with regard to claim 1.

The anticipation rejection should therefore be withdrawn.

Notwithstanding the traversal, Applicants have amended 1 and 28-30 to clarify the subject matter which Applicants regard as the invention. More particularly, these claims have been amended to recite that the nodes of the graph are arranged in a plurality of levels with one or more nodes at each level, and that the nodes correspond to respective seeds. Further, the claims as amended recite that a first seed associated with a node of a first one of the levels is computed as a function of a second seed associated with a node of a second one of the levels that is higher than the first level, and that the transmitted or received information includes the first seed but not the second seed. Support for the amendments can be found in the specification at, for example, page 6, lines 19-25, page 7, line 9, to page 9, line 14, and page 16, lines 18-25, and in the exemplary graphs shown in FIGS. 4 through 9 of the drawings.

Given the traversal, Applicants respectfully submit that the present amendments are not made for reasons relating to patentability over the Ginter reference or any other art of record, but are instead made solely in order to expedite prosecution.

In view of the foregoing, claims 1-30 as amended herein are believed to be in condition for allowance.

Respectfully submitted,

A handwritten signature in black ink, reading "Joseph B. Ryan". The signature is written in a cursive style with a large, looping initial "J" and a stylized "R".

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